



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) Fourteenth and Final Account and Report of Conservator; (2) Petition for Fees, for Termination of Conservatorship Distribution of Assets of Estate and (3) Discharge of Conservator (Prob. C. 1860 & 2620)

DOD: 11-10-10		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
				<u>Note: This is the 10th hearing on this final account.</u>	
		Account period: 3-1-09 through 11-10-10		<u>On 10-17-12, a separate Petition for Instructions was filed. See Page 1B.</u>	
Cont. from 111711, 020212, 040512, 051712, 062812, 080212, 100412, 110112, 112912		Accounting: \$34,377.72		<u>Minute Order 11-29-12: No appearances. The Court sets the matter for an Order to Show Cause regarding Sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1-10-13. [See Page 1C.]</u>	
		Beginning POH: \$14,465.02			
		Ending POH: \$16,100.50			
Aff.Sub.Wit.		Account period: 11-11-10 through 6-30-11		<u>The following issues remain:</u>	
✓	Verified	Accounting: \$18,405.01		1. Probate Code §§ 2631 and 13100 allow liquidation and distribution of <u>personal property only</u> in the manner requested. Real property, including undivided interests, is subject to Probate Code §13151, which requires the mandatory judicial council Petition to Determine Succession to Real Property Form DE-310, inventory and appraisal as of the date of death, and noticed hearing.	
	Inventory	Beginning POH: \$16,100.50		2. Petitioner also requests to distribute this asset when there is a Medi-Cal lien on the estate. Need authority.	
	PTC	Ending POH: \$12,537.04		3. The proposed order does not correspond to the prayer. Need clarification.	
	Not.Cred.	(POH consists of cash in the amount of \$554.93 plus an undivided 1/3 interest of a 3/4 interest in real property, a stove, and an air conditioner)		4. The proposed order does not comply with Local Rule 7.6.1.A. Monetary distributions must be stated in dollars. Need clarification as to the amount to be distributed on the Medi-Cal claim. (Examiner calculates \$389.93. Need verification.)	
✓	Notice of Hrg	Conservator: \$125.00		5. Petitioner originally stated that the Conservatorship Estate owned an "UNDIVIDED 1/3 RD INTEREST OF 3/4 TH INTEREST IN REAL PROPERTY." However, Petitioner now states the interest is a "1/2 (ONE-HALF)" interest.	
✓	Aff.Mail	Attorney: \$40.00		Reviewed by: skc	
	Aff.Pub.	Petitioner states there is a Medi-Cal claim in the amount of \$108,627.87 and requests that the court authorize payment of the remaining balance of the conservatorship estate on this claim.		Reviewed on: 1-3-13	
	Sp.Ntc.			Updates:	
	Pers.Serv.			Recommendation:	
	Conf. Screen			File 1A - Tortorella	
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order	Petitioner prays for an Order:			
		1. Approving, allowing and settling the final account;			
		2. Terminating the proceedings herein;			
		3. Authorizing payment of the conservator's and attorney's fees;			
		4. Authorizing payment of the remaining balance to the Dept. of Health Services as payment in full on the Medi-Cal claim;			
		5. Authorizing transfer of the house, stove and air conditioner to the Conservatee's sister; and			
		6. Discharge of Conservator.			
	Aff. Posting				
	Status Rpt	X			
	UCCJEA				
	Citation				
	FTB Notice				

DOD: 11-10-10		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
		Petitioner states the Conservatee's only known surviving relative is his sister, Cina Rand, who resides in Clovis, CA. The conservatorship estate herein includes a one-half interest in real property in Fresno. The remaining one-half interest in the real property is held by this conservatee's brother, Dominic Tortella, DOD 11-6-09.		<u>Continued from 11-1-12, 11-29-12.</u>	
Cont. from 110112, 112912		Petitioner states that pursuant to Probate Code §§ 2590 and 2591, the Court may authorize a Conservator to sell or dispose of real property with or without confirmation.		<u>Minute Order 11-29-12: No appearances. The Court sets the matter for an Order to Show Cause regarding Sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1-10-13. [See Page 1C.]</u>	
	Aff.Sub.Wit.		Pursuant to Probate Code §2591(c)(1), the Conservator hereby requests authority to transfer the Conservatee's interest in the real property to Ms. Rand, the Conservatee's only known surviving relative.	1. <u>Authority does not appear to be proper.</u>	
✓	Verified		Petitioner prays that this Court authorize the Director of the Dept. of Developmental Services of the State of California to exercise its authority under Probate Code §2591 to transfer the Conservatee's interest in the real property and to issue such other relief as appropriate.	Probate Code §2591(c)(1) allows a conservator the power " <u>to sell at public or private sale</u> " real property without Court confirmation of sale.	
	Inventory		Memorandum of Points and Authorities cites Probate Code §§ 2590 and 2591. Petitioner states that the Court may authorize the transfer of the real property, as the property is not the Conservatee's (or his brother's) residence, as they are both deceased. Petitioner states Cina Rand is the only known surviving relative of the Conservatee and the Conservator has no lien or other interest in the property. Further administration of the conservatorship estate will only use up conservatorship assets and will not serve any purpose for which the conservatorship was created. It appears to be prudent and in the best interest of all parties that the Court exercise its authority under this section to transfer the real property to Ms. Rand.	Probate Code §2590(a) states the Court may make an order granting this power if it is to the " <u>advantage, benefit, and best interest of the estate to do so.</u> "	
	PTC			Here, Petitioner is requesting to <u>distribute</u> real property from the conservatorship estate after the Conservatee's death without reference to the Medi-Cal lien on the conservatorship estate in the amount of \$108,627.87 that was noted by Petitioner in the 14 th Account filed 10-13-11 (Page 1A).	
	Not.Cred.			Examiner notes that DHS was served with a copy of this Petition and the P&A by mail on 10-16-12; however, the Court may require clarification as to authority to <u>distribute</u> real property from a conservatorship estate, <u>with reference to the lien</u> , or further time for response <u>or</u> agreement by DHS.	
✓	Notice of Hrg			<u>As previously stated, a Petition to Determine Succession is an appropriate method to distribute property. Examiner notes that this is a summary proceeding that requires the heir to petition.</u>	
✓	Aff.Mail	W		2. The Conservatorship Estate owned an "UNDIVIDED 1/3RD INTEREST OF 3/4TH INTEREST IN REAL PROPERTY" (See Schedule G – POH at end of account period). Petitioner now states the interest is a "1/2 (ONE-HALF)" interest, with the other half held by the brother (Pages 2A and 2B). Need clarification.	
	Aff.Pub.			3. Need order.	
	Sp.Ntc.			Reviewed by: skc	
	Pers.Serv.			Reviewed on: 1-3-13	
	Conf. Screen			Updates:	
	Letters			Recommendation:	
	Duties/Supp			File 1B - Tortorella	
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Order to Show Cause Re: Sanctions in the Amount of \$800.00

DOD: 11-10-10		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, filed its 14 th and Final Account after the death of the Conservatee on 10-13-11 (Page 1A).	NEEDS/PROBLEMS/COMMENTS:
<input type="checkbox"/>	Aff.Sub.Wit.	According to the petition, Property On Hand as of 6-30-11 included \$554.93 plus an undivided 1/3 interest of a ¾ interest in real property, a stove, and an air conditioner (total assets valued at \$12,537.04).	
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	The petition requested to distribute the property to the conservatee's sister.	
<input type="checkbox"/>	Aff.Mail	Examiner Notes indicated issues with the petition. Page 1A contains the issues as listed since the original hearing on 11-17-11.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	After numerous continuances, on 10-17-12, the Conservator filed a Petition for Instructions. See Page 1B. However, the attorney did not appear at the hearing on 11-1-12, or at the continued hearing on 11-29-12.	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	<u>Minute Order 11-29-12:</u> No appearances. The Court sets the matter for an Order to Show Cause regarding Sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1-10-13. [See Page 1C.]	
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: skc
Reviewed on: 1-3-13
Updates:
Recommendation:
File - 1C - Tortorella

DOD: 11-6-09		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 3-1-09 through 11-6-09	<u>Continued from 11-1-12, 11-29-12.</u>
		Accounting: \$23,821.68	Minute Order 11-29-12: No appearances. The Court sets the matter for an Order to Show Cause on 1/10/13 regarding sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1/10/13. Continued to 1-10-13 at 9am in Dept 303. Set on 1-10-13 at 9am in Dept 303 for: Order to Show Cause Re: Sanctions in the Amount of \$800.00.
Cont. from 110112, 112912		Beginning POH: \$14,193.12	
		Ending POH: \$16,068.68	
<input type="checkbox"/>	Aff.Sub.Wit.	Account period: 11-7-09 through 5-31-12	Page 2B is a separate Petition for Instructions.
<input checked="" type="checkbox"/>	Verified	Accounting: \$16,170.48	1. As stated previously in the prior Examiner Notes for the related matter, Probate Code §§ 2631 and 13100 allow liquidation and distribution of <u>personal property only</u> in the manner requested. Real property, including undivided interests, is subject to Probate Code §13151, which requires the mandatory judicial council Petition to Determine Succession to Real Property Form DE-310, inventory and appraisal as of the date of death, and noticed hearing.
<input type="checkbox"/>	Inventory	Beginning POH: \$16,068.68	2. Petitioner also requests to distribute this asset when there is a Medi-Cal lien on the estate. Need authority.
<input type="checkbox"/>	PTC	Ending POH: \$11,235.03	3. Need Notice of Hearing and proof of service at least 15 days prior to the hearing on Cina Rand (sister) and DHS. (Proof of Service filed 10-17-12 relates to the Petition for Instructions at Page 2B only.)
<input type="checkbox"/>	Not.Cred.	(POH consists of cash in the amount of \$235.03 plus an undivided 1/3 interest of a 3/4 interest in real property)	4. <u>Order does not match Petition.</u> Petition states ending balance is \$11,235.03, of which \$235.03 is cash. Order states ending balance is \$16,100.50, of which \$443.12 is cash. Need clarification.
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	5. Order does not comply with Local Rule 7.6.1.A. Monetary distributions must be stated in dollars. Need clarification as to the amount to be distributed on the Medi-Cal claim. Examiner is unable to calculate due to discrepancy noted in #4 above.
<input type="checkbox"/>	Aff.Mail	Conservator: \$50.00 outstanding, Balance waived	
<input type="checkbox"/>	Aff.Pub.	Attorney: \$25.00 outstanding, Balance waived	
<input type="checkbox"/>	Sp.Ntc.	Court Investigation Fees (Superior Court): \$50.00, Balance waived.	
<input type="checkbox"/>	Pers.Serv.	Petitioner states there is a Medi-Cal claim in the amount of \$56,556.10 and requests that the court authorize payment of the remaining balance of the conservatorship estate on this claim.	
<input type="checkbox"/>	Conf. Screen	Petitioner prays for an Order:	
<input type="checkbox"/>	Letters	7. Approving, allowing and settling the final account;	
<input type="checkbox"/>	Duties/Supp	8. Terminating the proceedings herein;	
<input type="checkbox"/>	Objections	9. Waiving the conservator's and attorney's fees;	
<input type="checkbox"/>	Video Receipt	10. Authorizing payment of \$50.00 to the herein Conservator of the estate for outstanding deferred fees as payment in full and waiving the remaining amount due;	
<input type="checkbox"/>	CI Report	11. Authorizing payment of \$25.00 to the State Dept. of Developmental Services' Office of Legal Affairs for outstanding deferred fees as payment in full and waive remaining balance due;	
<input type="checkbox"/>	9202	12. Authorizing payment of \$50.00 to Fresno Superior Court for outstanding deferred fees previously approved by the Court as payment in full and waive the remaining balance due;	
<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	13. Authorizing payment of the remaining balance to the Dept. of Health Services as payment in full on the Medi-Cal claim;	
<input type="checkbox"/>	Status Rpt	14. Authorizing transfer of the house to the Conservatee's sister; and	
<input type="checkbox"/>	UCCJEA	15. Discharge of Conservator.	
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 1-3-13
			Updates:
			Recommendation:
			File 2A - Tortorella

DOD: 11-6-09		CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES , Conservator, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>Continued from 11-1-12, 11-29-12.</u> <u>Minute Order 11-29-12:</u> No appearances. The Court sets the matter for an Order to Show Cause on 1/10/13 regarding sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1/10/13. Continued to 1-10-13 at 9am in Dept 303. Set on 1-10-13 at 9am in Dept 303 for: Order to Show Cause Re: Sanctions in the Amount of \$800.00.	
Cont. from 110112, 112912		Petitioner states the Conservatee's only known surviving relative is his sister, Cina Rand, who resides in Clovis, CA. The conservatorship estate herein includes a one-half interest in real property in Fresno. The remaining one-half interest in the real property is held by this conservatee's brother, Nicholas Tortella, DOD 11-10-10.		4. <u>Authority does not appear to be proper.</u>	
	Aff.Sub.Wit.		Petitioner states that pursuant to Probate Code §§ 2590 and 2591, the Court may authorize a Conservator to sell or dispose of real property with or without confirmation.	Probate Code §2591(c)(1) allows a conservator the power " <u>to sell at public or private sale</u> " real property without Court confirmation of sale.	
✓	Verified		Pursuant to Probate Code §2591(c)(1), the Conservator hereby requests authority to transfer the Conservatee's interest in the real property to Ms. Rand, the Conservatee's only known surviving relative.	Probate Code §2590(a) states the Court may make an order granting this power if it is to the " <u>advantage, benefit, and best interest of the estate to do so.</u> "	
	Inventory		Petitioner prays that this Court authorize the Director of the Dept. of Developmental Services of the State of California to exercise its authority under Probate Code §2591 to transfer the Conservatee's interest in the real property and to issue such other relief as appropriate.	Here, Petitioner is requesting to <u>distribute</u> real property from the conservatorship estate after the Conservatee's death without reference to the Medi-Cal lien on the conservatorship estate in the amount of \$108,627.87 that was noted by Petitioner in the 14 th Account filed 10-13-11 (Page 1A).	
	PTC			Examiner notes that DHS was served with a copy of this Petition and the P&A by mail on 10-16-12; however, the Court may require clarification as to authority to <u>distribute</u> real property from a conservatorship estate, <u>with reference to the lien</u> , or further time for response <u>or agreement</u> by DHS.	
	Not.Cred.			<u>As previously stated, a Petition to Determine Succession is an appropriate method to distribute property. Examiner notes that this is a summary proceeding that requires the heir to petition.</u>	
	Notice of Hrg	X		5. The Conservatorship Estate owned an "UNDIVIDED 1/3RD INTEREST OF 3/4TH INTEREST IN REAL PROPERTY" (See Schedule G – POH at end of account period). Petitioner now states the interest is a "1/2 (ONE-HALF)" interest, with the other half held by the brother (Pages 2A and 2B). Need clarification.	
	Aff.Mail	X		6. Need order.	
	Aff.Pub.			Reviewed by: skc	
	Sp.Ntc.			Reviewed on: 1-3-13	
	Pers.Serv.			Updates:	
	Conf. Screen			Recommendation:	
	Letters			File 2B - Tortorella	
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
	Order	X			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Order to Show Cause Re: Sanctions in the Amount of \$800.00

11-6-09	CALIFORNIA DEPT. OF DEVELOPMENTAL SERVICES is Conservator.	NEEDS/PROBLEMS/COMMENTS: Note: Please see Pages 1A and 1B for the history of this matter.
	On 6-10-09, the Court approved the Conservator's 13 th Account, which period ended on 2-28-09. The Conservatee died on 11-6-09.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>On 8-29-11, the Court set status hearing for the filing of the final account and mailed notice to the Conservator and counsel. Attorney Cynthia Bosco appeared on 10-12-11 and the matter was continued to 11-16-11 for the filing of the final account.</p> <p>On 11-16-11, there were no appearances. The matter was continued to 2-8-12 and Ms. Bosco was ordered to be present. On 2-8-12, attorney Beland appeared via conference call and the matter was continued to 6-28-12. On 6-28-12, there were again no appearances. An OSC re sanctions was set for 8-2-12.</p> <p>On 8-2-12, the Court continued the matters to 10-4-12.</p> <p>On 6-19-12, a 14th and Final Account was filed and set for 11-1-12. According to the Petition, Property On Hand as of 5-31-12 included \$235.03 plus an undivided 1/3 interest of a 3/4 interest in real property.</p> <p>The petition requested to distribute the property to the conservatee's sister.</p> <p>Examiner Notes indicated issues with the petition. See Page 1A.</p> <p>On 10-17-12, the Conservator filed a Petition for Instructions. See Page 1B. However, the attorney did not appear at the hearing on 11-1-12, or at the continued hearing on 11-29-12.</p> <p>Minute Order 11-29-12: No appearances. The Court sets the matter for an Order to Show Cause regarding Sanctions in the amount of \$800.00. The Court orders Bruce Beland to be personally present on 1-10-13. [See Page 1C.]</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 1-3-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File - 2C</p>

Petition for Settlement of First Account Current and Report of Trustee, Approval of Attorney's Fees and Costs, Approving Reduction of Bond and Waiving Future Accountings [Prob. C. 2628(a), 3600, et seq., Cal. Rules of Ct. Rule 7.903(c)]

Age: 14 years		STEVEN WILLEY , father/Trustee, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 6/27/11 – 5/31/12	
		Accounting - \$53,942.25	1. The order approving the establishment of this special needs trust allowed reimbursement to the attorney of a filing fee in the amount of \$395.00 upon review, it has been discovered that the filing fee charged was \$200.00 and not \$395.00. It appears that the attorney should reimburse the trust \$195.00 for the difference in the amount approved for reimbursement and the amount actually paid. 2. Petition states that the Petitioner has not hired any person who has a family or affiliate relationship with the Petitioner however the invoices for remodel work done on the home is by K Steven Willey. The court may require clarification.
		Beginning POH - \$53,317.25	
		Ending POH - \$ 6,565.67	
Cont. from 102512, 112912		Current bond : \$60,317.25	
<input type="checkbox"/>	Aff.Sub.Wit.	Trustee - Not addressed	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Attorney - \$4,176.00	
<input type="checkbox"/>	Not.Cred.	(5.40 hours attorney time @ \$195 - \$335 per hour and 17.0 hours paralegal time at \$125 - \$130 per hour and 2 hours of attorney time @ \$335/hr in anticipated time.)	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Costs - \$200.00	<p align="center">Please see additional page</p>
<input type="checkbox"/>	Aff.Pub.	Petitioner requests bond be reduced to \$7,222.24/	
<input type="checkbox"/>	Sp.Ntc.	Petitioner requests that pursuant to Probate Code §2628(a) future accountings be waived.	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Petitioner prays for an Order that:	
<input type="checkbox"/>	CI Report	1. The first account of trustee be settled, allowed and approved as filed, and all the acts and transactions of Petitioner be ratified approved and confirmed;	
<input checked="" type="checkbox"/>	2620	2. Petitioner be authorized to pay attorney fees totaling \$4,176.00 and \$200.00 in costs;	
<input checked="" type="checkbox"/>	Order	3. Bond for Steven Willey be reduced to \$7,222.24;	
<input type="checkbox"/>	Aff. Posting	4. Petitioner need not present future accountings as long as the estate continues to meet the requirements of Probate Code §2628.	
<input type="checkbox"/>	Status Rpt		Reviewed by: KT
<input type="checkbox"/>	UCCJEA		Reviewed on: 11/27/12
<input type="checkbox"/>	Citation		Updates:
<input type="checkbox"/>	FTB Notice		Recommendation:
			File 3 - Willey

Note: Petition states Petitioner made personal loans to himself of Trust funds in the total amount of \$11,538.61 with interest at 2% per annum. Petition states the Petitioner did not consult with his attorney before taking the loans. Petitioner has made three payments on the loan and offset portions of the loans for additional expenses incurred to renovate the house and to install the swing equipment for Michael in the back yard. The final payment on the loans was made by the Petitioner on 6/21/12, after the account period. Based on the payment on 6/21/12 the loans have been paid in full.

NEEDS/PROBLEMS/COMMENTS (continued):

3. Petition states that at the hearing approving the Special Needs Trust, the notes of Steven Matlak, Counsel for Petitioner, reflect that he discussed Petitioner's plan to modify his home for the benefit of Michael Willey. Mr. Matlak's notes further reflect Judge Robert H. Oliver stated at the hearing that no further court approval was needed for modifications to the house that fit within the meaning of "special needs." Not all the work done on the home appears to be for the "special needs" of the beneficiary, such as the new roof, skylights, attic fan, bath fan and rain gutters. Those items appear to be for the benefit of the family and not the "special needs" of the beneficiary. – **Declaration filed on 11/28/12 states** there was an error in the charges and Steven Willey agrees to personally reimburse the trust for the erroneous charges totaling \$398.67. **Examiner notes** that there are additional charges that should be included such as Mike's portion of the new roof in the amount of \$1,785.71, Mike's portion of the insulation in the amount of \$171.43 and Mike's portion of the cover shell for trustee's truck in the amount of \$2,451.00.
4. There are several disbursements for renovations of the home. Several of the disbursements show a total amount and another amount for "Mike's Portion". It is unclear how Mike's portion is determined sometimes it is 1/7 and other times it is much more. The court may require clarification.
5. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. Why are there charges for both wood flooring and tile in the hallway and entry?
6. On 7/22/11 there is a disbursement to Lumber Liquidators for removal of existing carpet in bedroom, hallway and entry to replace with wood flooring allowing easier wheelchair access. Then on 10/31/11 there is another disbursement for tile work in entry, hallway, bathroom and den. There is also an invoice from K. Steven Willey dated 9/20/11 that is for labor to remove old wood flooring in entry area and hallway. Labor to install wood flooring in Mike's bedroom, Labor to demo hallway, entry and living area. Labor to prepare hallway, entry area and living room for new tile and the purchase of 2 nail guns to install subflooring and wood floors. There are charges for both wood flooring and tile flooring for the same areas from several different vendors. Court may require clarification. Who installed the wood flooring? Who installed the tile flooring? What area was tile and what area was wood flooring?

First Amended Petition to Determine Succession to Real Property

DOD: 5/11/02			MICHAEL M. KARASTATHIS , Successor Trustee of The Karastathis Family Trust dated 11/24/01, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			40 days since DOD.	
	Aff.Sub.Wit.			
✓	Verified		No other proceedings.	
✓	Inventory		I & A - \$60,000.00	
	PTC			
	Not.Cred.		Will dated 11/24/01 devises estate to the Trustee of The Karastathis Family Trust.	
✓	Notice of Hrg			
✓	Aff.Mail	W/O	Petitioner requests Court determination that decedent's 100% interest in real property located at 5188 E. Ashlan #132, Fresno, CA pass to him pursuant to decedent's Will.	
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 1/4/13
				Updates:
				Recommendation: SUBMITTED
				File 4 - Karastathis

DOD: 6-25-11		MARIA GONZALEZ , Surviving Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings.	
Cont. from 100412, 110812, 120612		Will dated 4-1-11 devises decedent's real property in Selma to Petitioner.	Continued from 10-4-12, 11-8-12, 12-6-12. Minute Order 12-6-12: Mr. Roberts informs the Court that they have objected to the Petition and believe the will is invalid. Matter continued to 1-10-13. <u>As of 1-3-13, nothing further has been filed.</u>
<input type="checkbox"/>	Aff.Sub.Wit.	X	
<input checked="" type="checkbox"/>	Verified		<p>Objector states the property that is the subject of the petition was the separate property of Decedent. Objector objects to the will and claims that the will is not valid in that Objector does not believe Decedent executed the will or that if Decedent did execute the will that he did not have capacity to do so, or did so under undue influence.</p> <p>Objector states Decedent was married to the petitioner only a short time prior to his death. The property is the separate property of Decedent and should be distributed to Petitioner and Decedent's children. Decedent was sick and heavily medicated at the time the alleged will was executed. Decedent would not have disinherited his children. Decedent did not have testamentary capacity at the time the alleged will was executed.</p> <p>Objector prays that the petition be dismissed without prejudice.</p>
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			<p>Reviewed by: skc</p> <p>Reviewed on: 1-3-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Gonzalez</p>

**Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)**

DOD: 07/09/2012			MICHELLE CODDE , daughter/named executor without bond is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Full IAEA – o.k.	
Cont. from			Will dated: 07/01/2012	
	Aff.Sub.Wit.	s/p		
✓	Verified		Residence: Fresno Publication: The Business Journal	
	Inventory			
	PTC		Estimated value of the Estate: Personal property - \$97,981.00 Real property - \$94,594.00 Total: - \$192,575.00	
	Not.Cred.			
✓	Notice of Hrg		Probate Referee: Steven Diebert	
✓	Aff.Mail	w/		
✓	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/07/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 03/07/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. 	
			Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.	
			Reviewed by: LV Reviewed on: 12/19/2012 Updates: 01/03/2013 Recommendation: Submitted File 6 - Osha	

DOD: 10-12-12		MELISSA K. WATTERS , Daughter, is Petitioner and requests appointment as Administrator with Full IAEA without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Page 7B is a competing petition filed by Jonathan Vaughn Watters. 1. Need bond of \$339,000.00. (Waiver of bond previously filed has been withdrawn.) <u>Note:</u> If granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday 3-15-13 for filing of bond Friday 6-7-13 for filing of Inventory and Appraisal Friday 6-6-14 for filing of account/petition for final distribution
		Full IAEA – ok	
	Aff.Sub.Wit.	Decedent died intestate	
✓	Verified		
	Inventory	Residence: Fresno	
	PTC	Publication: Fresno Business Journal	
	Not.Cred.		
✓	Notice of Hrg	Estimated value of estate:	
✓	Aff.Mail	Personal property: \$ 150,000.00	
✓	Aff.Pub.	Annual income: \$ 14,000.00	
	Sp.Ntc.	Real property: \$ 175,000.00	
	Pers.Serv.	Total: \$ 339,000.00	
	Conf. Screen	Probate Referee: Rick Smith	
✓	Letters	Objection filed 12-14-12 by Jonathan Vaughn Watters	
✓	Duties/Supp	states he withdraws the waiver of bond that he	
✓	Objections	previously signed in connection with Melissa Watters' petition, and objects to her appointment as	
	Video Receipt	Administrator. He has filed a competing petition	
	CI Report	(Page 7B). Mr. Watters states he does not believe his	
	9202	sister will be fair or honest if she is appointed. At one	
✓	Order	point shortly after their mother's death she asked him	
	Aff. Posting	to prepare and sign a document that gave her his	
	Status Rpt	share of the estate. He obviously knew that was not in	
	UCCJEA	his best interest and refused. Since that time, she has	
	Citation	been hostile and has refused requests for information.	
	FTB Notice	Mr. Watters states he now resides in Fresno and will be	
		better equipped to handle estate matters than his	
		sister. With the help of his attorneys, he is confident	
		that he can handle the administration of the estate	
		promptly and without incident. Objector requests the	
		Court deny Ms. Watters' Petition.	

DOD:10-12-12 <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;"></td><td style="width: 80%;">Aff.Sub.Wit.</td><td style="width: 10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td>✓</td><td>Aff.Mail</td><td>W</td></tr> <tr><td>✓</td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td></td></tr> <tr><td></td><td>Conf. Screen</td><td></td></tr> <tr><td>✓</td><td>Letters</td><td></td></tr> <tr><td></td><td>Duties/Supp</td><td>X</td></tr> <tr><td>✓</td><td>Objections</td><td></td></tr> <tr><td></td><td>Video Receipt</td><td></td></tr> <tr><td></td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td></td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg		✓	Aff.Mail	W	✓	Aff.Pub.			Sp.Ntc.			Pers.Serv.			Conf. Screen		✓	Letters			Duties/Supp	X	✓	Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p>JONATHAN VAUGHN WATTERS, son, is Petitioner and requests appointment as Administrator with Full IAEA without bond, with all liquid funds to be placed into a blocked account.</p> <p>Full IAEA – ok</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of estate: Personal property: \$ 10,000.00 Annual income: \$ 20,100.00 Real property: \$ 175,000.00 Total: \$ 205,100.00</p> <p>Probate Referee: Rick Smith</p> <p>Objection filed 1-3-13 by Melissa K. Watters states although she loves her brother, she objects to his appointment as administrator as she does not believe he is capable of fulfilling his duties as administrator. Under §8402, a person is ineligible for appointment if he is deemed not competent to act as personal representative. Ms. Watters believes he is incapable and unfit to execute the duties of the office.</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Page 7A is the petition of Melissa Watters. This petitioner objects to her appointment as Administrator and filed this competing petition.</p> <ol style="list-style-type: none"> Need Confidential Supplement to Duties and Liabilities (DE-147S). Petitioner requests appointment without bond, but with all liquid assets placed into a blocked account. The Court may require clarification with reference to the nature of the assets and the authority requested. <p>Examiner notes a large discrepancy between the personal property amount estimated in this petition (\$10,000.00) and the petition at 7A (150,000.00).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: skc</td></tr> <tr><td>Reviewed on: 1-3-13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 7B – Watters-Weiser</td></tr> </table>	Reviewed by: skc	Reviewed on: 1-3-13	Updates:	Recommendation:	File 7B – Watters-Weiser
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7B

Page 2

Objector states Jonathan has severe drug and alcohol abuse issues. The family, including their mother prior to her death, has not had contact with him for eight (8) years. He did not visit their mother prior to her death or attend her funeral. Prior to her death, their mother remarked to Ms. Watters that he was probably in trouble and she wanted nothing to do with him. The decedent told her: "Whatever you do, don't let him in the house."

When their mother died, Ms. Watters had no phone number to contact Jonathan. Her step-brother Rick Watters was able to send a Fed Ex to let him know about her death with an address he had from when Jonathan asked to be bailed out of jail. When Ms. Watters finally had a phone number and contacted him, the first thing he said was: "So who's going to get the home? Money?" There were no questions about how I was doing, where was the funeral, how can I help? Ms Watters states she ended up taking care of funeral expenses, burial, flower arrangements and talking with tenants.

Ms. Watters states Jonathan called and asked to stay with her in San Diego. She told him no. The last time he stayed, he stole her wedding rings and Tiffany jewelry. He then asked if he could stay in one of the properties. She told him no, there are tenants.

Ms. Watters states on 11-28-12, she received a call from one of the tenants at 1015 N. Echo in Fresno that Jonathan had called them about five minutes before appearing at the property. He asked if he could stay there and asked for \$100 to get on his feet. The tenants told him no, but he left his jacket and bag. About a week later, he showed up and picked up his bag, but his jacket is still there.

Apparently Jonathan has relocated to Fresno, and to Ms. Watters' knowledge, is unemployed and homeless. Prior to his move, he was living in Rochester, Minnesota.

Ms. Watters states Jonathan has had numerous run-ins with law enforcement in California and Minnesota, and believes he has been sentenced in Minnesota recently for three different criminal case: driving under the influence, damage to property, and disorderly conduct – brawling or fighting.

Ms. Watters states Jonathan has done despicable things in the past. He and his girlfriend took their father, who has dementia, to the bank to get money and then dropped him off on the side of the road to find his way home. He used to fight with their mother and never got along with her. He would make their mother cry.

Jonathan states funds can be blocked in lieu of filing a bond. The estate consists of two houses currently rented to third parties. Monthly rental income is received and that income is needed to pay the decedent's bills and property maintenance. It would be difficult to do so if funds are blocked.

Objector would prefer Jonathan waive the requirement of her filing bond simply to avoid additional cost.

Note: If granted, status hearings will be set as follows:

- **Friday 3-15-13 for filing of bond**
- **Friday 6-7-13 for filing of Inventory and Appraisal**
- **Friday 6-6-14 for filing of account/petition for final distribution**

Atty Amador, Catherine A., of Pascuzzi, Moore & Stoker (for Petitioner Valerie McMaster)

Petition to Determine Assets of Decedent as Property of an Existing Trust [Prob. C. 17200]

DOD: 4/13/2009		<p>VALERIE IRENE McMASTER, Successor Trustee, is Petitioner.</p> <p>Petitioner states:</p> <ul style="list-style-type: none"> On 7/3/2007, PATRICK DELBERT O'BRIEN executed an inter vivos Declaration of Trust dated 7/3/2007, naming himself as Trustee (copy attached as Exhibit A); Under the terms of the Trust, Patrick Delbert O'Brien, as Settlor, declared that he assigned, transferred and delivered to the Trustee the property described in Schedule A attached to the Trust, and as Trustee he agreed to accept, hold and administer such property in accordance with the terms of the Trust; After the Settlor's death, Petitioner became Trustee of the Trust; Prior to the Settlor's death, the Settlor failed to execute deeds to change the vesting of the real property and failed to transfer his interest in the assets described in Schedule A to the Trust to himself as Trustee of the Trust; On the date of the Settlor's death, he owned a 100% interest in the assets described in Schedule A; The intent to hold in trust the assets described in Schedule A is evidenced by the fact that the assets were described in Schedule A to the Trust document; Under the Trust terms, the assets are to be distributed to VALERIE IRENE McMASTER (néé O'Brien) and MEGAN KELLIE O'BRIEN upon the death of the Trustor. <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition does not state the names of all beneficiaries who would be entitled to notice of hearing pursuant to Probate Code §§ 17201 and 17203(a)(2). Paragraph 7 of the Petition purports to list the names and addresses of all persons who may be interested in the trust, though no names or addresses are listed. Need names and addresses of all persons interested in the Trust and entitled to notice, including all Trust beneficiaries. (Note: Trust names MEGAN KELLIE O'BRIEN as a Trust Beneficiary; Petition does not specifically indicate this information, though it is included in the Memorandum of Points and Authorities filed 11/15/2012.)</p> <p align="center">~Please see additional page~</p>	
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Memorandum of Points and Authorities in Support of Petition to Determine Assets of Decedent as Property of an Existing Trust was filed 11/15/2012.

Petitioner prays for an order:

1. Adjudging that the Trustor created a revocable inter vivos living trust under Declaration of Trust dated 7/3/2007; and
2. That despite the current vesting of the assets described in *Schedule A* to the Trust, the Trustor intended that these assets be assets of the Trust and the assets are included as part of the Trust estate.

NEEDS/PROBLEMS/COMMENTS, continued:

2. Proposed order includes eleven legal descriptions of real property parcels which Petitioner seeks to have the Court determine to be Trust assets. However, the *Petition* itself does not but should include these legal descriptions so that the *Petition* and the order may be read and understood independently from one another, as provided for in Local Rule 7.6.1 (D). Need verified declaration to be filed with the Court setting forth accurate addresses and legal descriptions, including the correct APNs, of all parcels of real property sought to be determined as Trust assets. The following discrepancies to the property information listed on the proposed order versus *Schedule A* of the Trust should be verified and corrected for inclusion in the declaration to be filed with the Court regarding the real properties:
 - *Schedule A* contains no house number for the property on Hillsdale Drive, Oakhurst, while the proposed order includes house number 51457; the verified declaration to be filed with the Court should confirm and be verified by the Petitioner that she represents that the house number 51457 is indeed the house number for the Hillsdale property listed on *Schedule A*.
 - *Schedule A* lists the house number for the property on Laurel as 4753, while the proposed order lists it as 4752.
 - *Schedule A* lists the house number for the property on Richert as 544, while the proposed order lists it as 4541.
 - *Schedule A* lists the house number for the property on Platte as 5637, while the proposed order lists it as 5037 and the street as Platt.
 - *Schedule A* lists the house number for the property on Bull as 4240, while the proposed order lists it as 4340 and the street as Ball.
 - *Schedule A* lists the house number for the property on Acacia as 146 (indicated by handwritten and initialed interlineation), while the proposed order lists it as 147.
 - *Schedule A* lists the following five additional properties that are not included on the proposed order as assets sought to be determined as Trust assets; the verified declaration to be filed with the Court should confirm that the Petitioner is in fact not seeking these five properties to be included in the Court's determination along with the eleven properties Petitioner includes on the proposed order:
 - Property on N. Emerson;
 - Property on E. Verrue;
 - Property on E. Church;
 - Property on 2002 W. Kenmore Drive;
 - Property on N. Sunnyside.
3. Need revised proposed order setting forth the accurate addresses, APNs and legal descriptions of all parcels of real property Petitioner seeks to be determined as Trust assets.

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)

DOD: 04/14/2012		SANTOS PEREZ , non-relative is petitioner and requests appointment as Administrator with bond. Full IAEA – o.k. Decedent died intestate Residence: Selma Publication: Selma Enterprise	NEEDS/PROBLEMS/COMMENTS: Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 06/07/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 03/07/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.					
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Sp.Ntc.		Estimated value of the Estate: Personal property - \$2,683.00 Real property - \$75,000.00 Total: - \$77,683.00 Probate Referee: Steven Diebert	<table border="1"> <tr> <td>Reviewed by: LV</td> </tr> <tr> <td>Reviewed on: 12/19/2012</td> </tr> <tr> <td>Updates: 01/04/2013</td> </tr> <tr> <td>Recommendation: Submitted</td> </tr> <tr> <td>File 9 - Gonzalez</td> </tr> </table>	Reviewed by: LV	Reviewed on: 12/19/2012	Updates: 01/04/2013	Recommendation: Submitted	File 9 - Gonzalez
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Atty Fanucchi, Edward L. (for Jorge L. Lopez – Father – Petitioner)
Atty Pulido, Reynaldo (for Maria De Jesus Zaragoza Gomez – Guardian – Objector)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 3		JORGE L. LOPEZ , Father, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		MARIA DE JESUS ZARAGOZA GOMEZ , Maternal Aunt, was appointed Guardian of this minor and his three siblings on 4-16-12.	Note: This petition pertains to the minor Jorge Eduardo Zaragoza only.
		- Objection filed 12-21-12	
Cont. from		Mother: Juana Zaragoza Gomez	1. A petition for guardianship by the father is not appropriate under the Probate Code. As such, a Court Investigation has not been conducted.
	Aff.Sub.Wit.	- Deceased	
✓	Verified	Paternal Grandfather: Silvestre Lopez Carbajal	Guardianship of this minor and three siblings was granted to maternal aunt Maria De Jesus Zaragoza Gomez on 4-16-12, and at that time, visitation to the father was granted.
	Inventory	Paternal Grandmother: Teodoza Vasquez Gerardo	
	PTC	Maternal Grandfather: Ricardo Zaragoza	If Petitioner wishes to terminate the guardianship, appropriate petition and notice is necessary.
	Not.Cred.	Maternal Grandmother: Maria Gomez	
	Notice of Hrg	Siblings: Ashley Lopez, Anthony Lopez, Cesar Zaragoza Gomez, Dassy Madrigal, Ashley Zaragoza	
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	Petitioner states the mother was murdered 1-17-12. On 4-16-12, Maria Zaragoza Gomez, sister of the deceased mother, was appointed guardian. Petitioner was granted visitation, which continues. Petitioner is married and has two children of said marriage. Petitioner seeks guardianship of his son so that he can raise him in a family setting, continue to have a relationship with him, provide support, education, medical services for his son.	
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections	Guardian Maria De Jesus Zaragoza Gomez filed an Objection on 12-21-12. The Guardian states the children have lived in her home for about five years. The mother and children lived with her before she passed away. Petitioner always helped with the children's day to day needs. Petitioner has not been in the child's life until recently. Prior to the mother's death, he refused to recognize Jorge has his child or have any contact with him. On several occasions, she tried to show him pictures of his son, but he refused to look at them. The guardian believes it is in Jorge's best interest to stay with her, as he has since his birth.	
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
SEE PAGE 2			Reviewed by: skc Reviewed on: 1-3-13 Updates: Recommendation: File 10 – Gomez, Madrigal & Zaragoza

Page 2

Ms. Zaragoza states Jorge does not want to live with his father and his new family. He is not familiar with them and up to now is not happy going to visit them. Jorge has told her that he does not see them as his family, and she believes it is going to take time for him to see them as such, since he has only had one family since he was born.

Ms. Zaragoza states her mother has also lived in the home with her since Jorge's birth and provides care for Jorge. Jorge and his siblings recently lost their mother and are terrified with the idea of losing each other. The older children have expressed fear that they will lose Jorge since they were sent notice of this proceeding. Dassy J. Madrigal, Jorge's 14-year-old sister, has indicated that she would like to speak to the judge to plead not to separate her from her brother. She wants to explain to the judge that her father gave up custody of her so that she could be with her siblings.

Ms. Zaragoza states the minor Jorge does not need a new family setting as he already has one and is very happy with them. He is a member of a stable family which includes his blood relatives and his siblings.

Ms. Zaragoza is concerned that this will make things worse instead of better. She states she tried to explain this to Petitioner, but he insisted that Jorge needs to be with him. Mr. Lopez does not appear to be concerned about what the minor wants and how he would feel if he were taken from his family and the only home he has known since birth, or the effect of the loss of his mother and how it could be worse if he suffers another dramatic change.

Ms. Zaragoza is concerned also that Petitioner wants to change Jorge's name. The name Jorge Eduardo Zaragoza has had the same name since birth and is aware that this is part of his identity. Dramatically changing his home environment and his identity is a concern that she has and the effect it will have on him.

The Guardian states the Court should reduce the visitation since the minor does not appear to be adjusting to the existing schedule. She has observed that when the child returns from visits with his father he is aggressive and uses course words. It usually takes about two days to get back to normal.

The minor shows signs that he is not adjusting to the current visitation schedule, and the Guardian fears further change will have a greater negative effect on him. She would agree to revisit the schedule as he shows signs of becoming accustomed to change and his new family.

Ms. Zaragoza states she has invited Mr. Lopez to spend time with Jorge in their home to make the transition less painful for the child, but he has yet to accept this offer.

Examiner's Note: Current visitation pursuant to Minute Order 4-16-12 and Minute Order 7-30-12 is Sunday 12pm to Wednesday 12pm.

11 Beatrice Kozera (CONS/PE)
Atty Franco, Albert (pro per Petitioner/Co-Conservator)
Atty Leonard, Patricia (pro per Petitioner/Co-Conservator)

Case No. 10CEPR00351

Second Account Current, Report of Co-Conservators and Petition for Its Settlement [Prob. C. 1060-1064, 2620]

Age: 92 years		ALBERT FRANCO and PATRICIA LEONARD , Co-Conservators, are petitioners. Account period: 6/1/11 – 5/31/12 Accounting - \$158,133.77 Beginning POH - \$139,445.63 Ending POH - \$ 92,518.86 (\$2,518.86 is cash) Current bond is \$181,280.00 and is sufficient. Conservators - waive Petitioner prays for an Order: 1. Approving, allowing and settling the second account.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: a. Beatrice Kozera (conservatee) 3. Need proof of service of the Notice of Hearing along with a copy of the Petition on: a. Leigh Burnside – pursuant to the Request for Special Notice filed on 8/28/11.	
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Reviewed by: KT				
Reviewed on: 1/4/13				
Updates:				
Recommendation:				
File 11 - Kozera				

Age: 3 years		<p>CYNTHIA VILLANUEVA, mother, is petitioner.</p> <p>BONNIE LEDGER, maternal grandmother, was appointed guardian on 9/26/2011.</p> <p>Father: Unknown Paternal grandparents: unknown Maternal grandfather: Luis Villanueva</p> <p>Petitioner alleges on 10/12/12 she completed all three phases of Pathways outpatient substance abuse treatment program with honors. On 8/28/12 she completed a 15 week nurturing parenting program. On 5/16/12 she completed the twelve week anger management program.</p> <p>Petitioner request the court grant her unsupervised weekend visits with her daughter. Petitioner states she would like to start rebuilding their relationship and being able to visit with her is an effective way to do so.</p> <p>Objections of Guardian Bonnie Ledger filed on 1/2/2013. Objector alleges to date mom has only requested one visit with her daughter. Objector is aware that mom has completed several programs, but Objector is uncertain if a class can make her the parent that she needs to be. Objector requests that the court not allow mom to take the minor on any over-night visits and that any visits be supervised by an agreed upon third party.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. There is no proof of service indicating the objections were served on the Petitioner.</p>				
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Reviewed by: KT							
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Recommendation:							
File 12 - Villanueva							

**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,
1821, 2680-2682)**

Age: 20		<p>ROSALIND BOWLER, Mother, is Petitioner and requests appointment as Conservator of the Person with medical consent powers under Probate Code §2355 and dementia powers under Probate Code §2356.5.</p> <p>Voting rights affected</p> <p>A <u>partial</u> Capacity Declaration was filed 11-1-12.</p> <p>A complete Capacity Declaration was filed 12-21-12.</p> <p>Petitioner states the proposed Conservatee has been diagnosed with Childhood Disintegrating Disorder and Dementia. She requires 24-hour care and needs assistance with daily living activities such as meals, sleep, waking, dressing, bathing, etc. She is unable to find her way home if she gets lost. Petitioner attaches a copy of a doctor's letter indicating treatment for the above disorder and dementia.</p> <p>Petitioner also filed a letter from CVRC Counselor/Service Coordinator Diane Diestel in support of the petition.</p> <p>Court Investigator Samantha Henson filed a report on 11-8-12.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 11-2-12.</p> <p>Voting rights affected – need minute order</p> <p><u>Continued from 11-15-12</u></p> <p><u>Minute Order 11-15-12:</u> Examiner notes provided to Petitioner; Petitioner is directed to speak with Court Examiner following today's hearing.</p> <p><u>Note:</u> It appears all issues have been cured.</p>	
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		<p>Reviewed by: skc</p> <p>Reviewed on: 1-7-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – Bowler</p>		

Noah Age: 5		TEMPORARY EXPIRES 01/10/2013	NEEDS/PROBLEMS/COMMENTS:
Annabella Age: 3			
Cont. from 120612		GINA VASQUEZ , Maternal Grandmother, is Petitioner. Father: JOHN NATHAN DURAN , present in Court on 10/30/2012 and consents Mother: JASMINE MARIE CABRAL , Personally served 10-25-12 Paternal Grandfather: John Duran Paternal Grandmother: Cindy Carrillo Maternal Grandfather: Sergio Cabral, Deceased	Minute Order of 12/06/2012 states the Court notes for the minute order that Gina Vasquez, the petitioner is not present. The Court orders Gina Vasquez to be personally present on 01/10/2013. 1. Petitioner's request to waive Court fees was denied on 10-17-12. Filing fee of \$285 is now due. 2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • John Nathan Duran (Father) 3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • John Duran (Paternal Grandfather) • Cindy Carrillo (Paternal Grandmother)
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		Reviewed by: LV	
		Reviewed on: 01/07/2013	
		Updates:	
		Recommendation:	
		File 14 - Duran	

Amended Petition for Appointment of Probate Conservator of the Person

Age: 74		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		PATRICIA PANDO , daughter, is Petitioner and requests appointment as Conservator of the Person with Medical Consent powers. Voting rights affected. Petitioner alleges that the proposed Conservatee has dementia and requires total care. Court Investigator Charlotte Bien filed a report on 11/15/12.		1. Need proof of service by mail of the <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Probate Conservator</i> for: - Juan Carlos Banda - Alfredo Delgado - Joseph Delgado - Lauralva Rodriguez - Yesenia Rodriguez - Clarissa Rodriguez - Maria Alma Banda - Juan Luis Banda - Gladys Banda - Alva Rodriguez - Alejandro A. Banda - Daniel Corona - Angelica Corona - Javier Corona - Antonio Corona - Raquel Banda - Veronica Banda - Marissa Banda Note: Proof of Service by mail filed 12/19/12 indicates that the Notice of Hearing was mailed to the required relatives; however, the Proof of Service does not indicate that a copy of the <i>Petition for Appointment of Probate Conservator</i> was served along with the <i>Notice of Hearing</i> as required pursuant to Probate Code § 1822.	
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				Reviewed by: JF	
				Reviewed on: 01/07/13	
				Updates:	
				Recommendation:	
				File 15 - Banda	

Pro Per Abney, Lavena (Pro Per Petitioner, maternal grandmother)
 Pro Per Russell, Dennis S. (Pro Per Objector, father)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Micah Age: 15 yrs		TEMPORARY EXPIRES 1/10/2013 LAVENA ABNEY , maternal grandmother, is Petitioner. Father of Micah: ALLEN , last name not listed. Father of Dennis II: DENNIS S. RUSSELL, Sr. Father of Trinity: MIKE CAMPOS Mother: DENISE PULTZ ; Court dispensed with further notice on 11/14/2012. Paternal grandfather of Dennis II: Not listed Paternal grandmother of Dennis II: Not listed Paternal grandfather of Micah: Not listed Paternal grandfather of Trinity: Not listed Maternal grandfather: Neal Pultz Petitioner states the mother is never around, does not have stable housing, and the Petitioner has been taking care of the children, providing them with food, clothes and anything they need. Petitioner states the mother is an alcoholic and smokes marijuana, and picks the wrong men to be in her life. Objection to Guardianship filed 11/28/2012 by Dennis S. Russell, Sr., father, states he believes both of the children (Dennis II and Trinity) should be with him, because he is capable of taking care of them, he has a stable environment, and he can meet all of their personal needs. Court Investigator Dina Calvillo's Report was filed on 1/3/2013 and recommends the petition be GRANTED.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing and proof of personal service of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • Dennis S. Russell, Sr., father of Dennis; • Allen (last name unstated), father of Micah; • Mike Campos, father of Trinity; • Micah Abney, proposed ward (age 15); • Dennis Russell, II, proposed ward (age 12). 2. Need proof of service by mail of the Notice of Hearing with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for: <ul style="list-style-type: none"> • paternal grandparents (not listed); • Neal Pultz, maternal grandfather. 	
Dennis Age: 12 yrs				
Trinity Age: 9 yrs				
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		Reviewed by: LEG Reviewed on: 1/4/13 Updates: Recommendation: File 16 – Abney & Russell		

Pro Per Martinez, Valare Lee (Pro Per Petitioner, maternal grandmother)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Jasmine Age: 3 ½ yrs	TEMPORARY EXPIRES 11/15/12; extended to 1/10/2013		NEEDS/PROBLEMS/COMMENTS:
			1. Need proof of personal service of the Notice of Hearing for the <u>1/10/2013</u> hearing date, along with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:
Cont. from			• George Hernandez, father.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	Father: GEORGE HERNANDEZ		2. Need proof of service by mail of the Notice of Hearing for the <u>1/10/2013</u> hearing date, along with a copy of the Petition for Appointment of Guardian, or Consent to Appointment of Guardian and Waiver of Notice, or a Declaration of Due Diligence, for:
<input type="checkbox"/> Inventory	Mother: ANGELA MARTINEZ ; Declaration of Due Diligence filed 11/15/2012; Court dispensed with notice on 11/15/2012.		
<input type="checkbox"/> PTC			• Mr. Hernandez (first name unknown) paternal grandfather;
<input type="checkbox"/> Not.Cred.	Paternal grandfather: Hernandez (First name unknown)		
<input type="checkbox"/> Notice of Hrg	X	Paternal grandmother: MARIA MONTEZ	• Maria Montez, paternal grandmother.
<input type="checkbox"/> Aff.Mail	X		
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<input type="checkbox"/> Sp.Ntc.		Maternal grandfather: DANIEL MARTINEZ; consents and waives notice.	
<input type="checkbox"/> Pers.Serv.	X		
<input checked="" type="checkbox"/> Conf. Screen		Petitioner states the child has been in her care since 9/29/2012 when she picked the child up from a friend of the mother, who abandoned the child there. Petitioner states after picking up the child she found the child had a fever and looked ill, so she took her to a doctor, who would not allow the minor to receive care without the mother's consent, and after failed attempts to locate the mother, Petitioner took the child to Children's Hospital on 9/30/2012 to receive emergency care (please refer to attached Patient Visit Information from hospital.) Petitioner states the mother is addicted to methamphetamine and is unsuitable to provide adequate care for the minor. Petitioner states the father has trouble with the law and drug abuse, and though he was recently released on a federal overcrowding order, he will be going back to jail based on a 5-year sentence.	
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	Court Investigator Charlotte Bien's Report filed 12/18/2012 recommends the petition for guardianship be GRANTED.		

Reviewed by: LEG

Reviewed on: 1/4/13

Updates:

Recommendation:

File 17 - Hernandez

Pro Per Bailey, Deanna (Pro Per Petitioner, daughter)

Petition for Appointment of Probate Conservator of the Person and Estate (Prob. C. 1820, 1821, 2680-2682)

DOD: 7/29/2012	DEANNA BAILEY , daughter, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Proposed Conservatee died on 7/29/2012.	
	Court Investigator Julie Negrete's Report was filed on 11/14/2012.	
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		Recommendation:
		File 18 – Johnson